IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		Conf. No.:	6459
David K. KOVALIC *et al.*		Art Unit:	1631
Appln. No.:	10/767,701	Examiner:	Shobu Zhou
Filed:	January 29, 2004	Atty. Docket:	16517.311

For: Nucleic Acid Molecules and Other Molecules Associated with Plants and Uses Thereof for Plant Improvement

Petition to Amend Priority Under 37 C.F.R. § 1.78(a)(3)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Mail Stop Petition

Sir:

Applicants hereby petition to amend the priority claim in the above-captioned U.S. application under 37 C.F.R. § 1.78(a)(3). Authorization to charge the official fees for this Petition is given in the accompanying transmittal letter. A duplicate copy of this Petition is enclosed.

On January 29, 2004, the above-captioned U.S. Application (the "'701 Application") was filed and included a paragraph claiming priority to and incorporating by reference several applications, which are listed in the attached Exhibit 1. However, in response to a restriction requirement, Applicants have subsequently amended the claims to refer to a single disclosed amino acid from a sequence listing including nearly 32,000 amino acid sequences in the originally-filed Application.

In the amendment filed herewith (the "Amendment"), Applicants have (1) amended the claims to a single SEQ ID NO contained in the Application as originally filed; and (2) amended the claim for priority of the Application to properly reflect the priority date of the invention now claimed from an application containing nearly 185,000 amino acid sequences, including the elected SEQ ID NO: in the '701 Application. As such, Applicants believe that

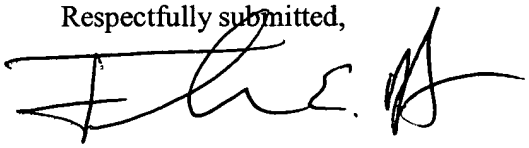
the present claims in the Application are entitled to the priority claims as submitted in the Amendment and respectfully request that the Amendment be entered.

Applicants hereby petition to add a claim of priority to U.S. Application Serial Nos. 10/425,115, filed April 28, 2003, which is a continuation-in-part of U.S. Application Serial No. 09/985,678, filed November 5, 2001, which is a continuation of U.S. Application Serial No. 09/304,517, under 37 C.F.R. § 1.78(a)(3). Applicants assert that the entire delay between the date for making a priority claim under 37 C.F.R. § 1.78(a)(2)(ii) and the date such priority claim was made was unintentional, and respectfully request that the above-captioned U.S. Application be amended to reflect the priority for the invention now claimed.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

Authorization to charge the fee for submission of this Petition is given in the accompanying transmittal letter.

Respectfully submitted,



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NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS AND USES THEREOF FOR PLANT IMPROVEMENT

EXHIBIT 1

This application claims the benefit of and is a continuation in part of prior U.S. application No. 09/684,016 filed October 10, 2000, and prior U.S. application No. 09/850,147 filed May 7, 2001, both of which are hereby incorporated by reference in their entirety.

INCORPORATION OF SEQUENCE LISTING

Two copies of the sequence listing (Seq. Listing Copy 1 and Seq. Listing Copy 2) and a computer-readable form of the sequence listing, all on CD-ROMs, each containing the file named pa_00620.rpt, which is 74,252,288 bytes (measured in MS-DOS) and was created on January 20, 2004, are herein incorporated by reference.

INCORPORATION OF TABLE

Two copies of Table 1 (Table 1 Copy 1 and Table 1 Copy 2) all on CD-ROMs, each containing the file named pa_00620.txt, which is 8,415,232 bytes (measured in MS-DOS) and was created on January 20, 2004, are herein incorporated by reference.

FIELD OF THE INVENTION

Disclosed herein are inventions in the field of plant biochemistry and genetics. More specifically recombinant polynucleotides and recombinant polypeptides from *Sorghum* for use in plant improvement are provided. Methods of using the recombinant polynucleotides and recombinant polypeptides for production of transgenic plants with improved biological characteristics are disclosed.